

**REMARKS**

The Final Office Action mailed October 17, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

In the Response to Arguments section of the last Office Action, it is alleged that “the features upon which applicant relies (i.e., a status check request is sent from a computer to a modem component of a mobile station; modem responds without control of a processor- claims recite a host processor) are not recited in the rejected claims(s).” Applicants respectfully disagree.

Reproduced hereinbelow is claim 1, with the alleged unrecited features presented in underline for emphasis:

1. A system comprising:  
a computer operably connected to a network, the computer having software configured to track the status of multiple modem units, the software allowing for the production of status check requests to be sent to the multiple modem units; and  
modem units for portable devices, configured to receive external status check requests from the computer, each of the modem units being associated with a host processor of the respective portable device, the modem unit being configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device.

Claim 1 states that the computer has software that allows for the production of status check requests to be sent to the multiple modem units, and the modem units are configured to receive external status check requests from the computer. Thus clearly the limitation “a status check request is sent from a computer to a modem component of a mobile station” is recited in claim 1. Claim 1 further states “the modem unit [is] configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device.” Thus clearly the limitation the “modem responds without control of a processor” is also recited in claim 1. The contention that a host processor is recited in the claim but that a processor (without the term “host”) is argued is of dubious significance

exalting form over function and, in any case, the term “host” is used in other sentences in the arguments and is clearly the intended meaning, despite its omission, for shorthand purposes only, from other sentences. To illustrate this, reproduced hereinbelow are Applicants arguments in their entirety, also presented with underlined portions for emphasis of the use of the term “host”:

Considering Claim 1 as an example, the invention according thereto includes a computer whose software sends status check requests to multiple modem units of portable devices. The modem units receive these status check requests and reply to them “without being controlled by the host processor in the portable device.” These features are not disclosed in Granstam. Specifically, Granstam does not disclose a communication exchange in which a status check request is sent from a computer to a modem component of a mobile station (MS), and the modem component then, *without control of a host processor*, responds to the status check request. The passage in col. 6, ll. 31-36 to which the Office Action makes reference merely explains that subscriber information may be stored on a SIM card, which is independent of the IMEI of the device. This is different from the claimed arrangement in which a modem responds to a status request without control of a processor. In fact, no mention of a modem component is made in Granstam, and it is unclear how such a modem component, if present, interacts with any processor of the mobile device 17. No mention of a processor is made in Granstam either. Independent Claims 9 and 16 contain a similar feature to that of Claim 1 discussed above and are therefore not anticipated by Granstam. It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.<sup>1</sup> The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection based on Granstam is respectfully urged.

### **Conclusion**

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

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<sup>1</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,  
THELEN REID BROWN RAYSMAN & STEINER LLP

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Khaled Shami  
Reg. No. 38,745

THELEN REID BROWN RAYSMAN & STEINER LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Tel. (408) 292-5800  
Fax. (408) 287-8040